IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 860 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

AFZALKHAN VAJIRKHAN PATHAN - Petitioner(s)
Versus
THE STATE OF GUJARAT THRO' THE SECRETARY & 2 - Respondent(s)

==========

Appearance :
MS Banna Datta for Mr AR SHAIKH for Petitioner
MR LR POOJARI, AGP for Respondent(s)

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 12/06/2007

ORAL JUDGMENT

Learned AGP Shri Poojari places on record the affidavit in reply.

2. In the present petition, the petitioner has challenged the order of detention dated 25.12.2006 passed by the Commissioner of Police, Surat City placing the petitioner under detention in exercise of powers under section 3(1) of the Gujarat Prevention of Anti-Social Activities Act, 1985 (“PASA” for short).

3. The Detaining Authority was of the opinion that preventive detention of the petitioner is necessary to prevent breach of public order. To come to such a conclusion, the detaining authority placed reliance on the involvement of the petitioner in a criminal case of breach of Bombay Prohibition Act.

4. In case of a co-detenu under identical circumstances, this Court has passed order today in Special Civil Application No.859 of 2007 quashing the order of detention. It is not necessary to repeat the reasoning since the material in both the cases is identical.

5. Under the circumstances, the impugned order of detention dated 25.12.2006 is quashed. Since the order of detention is quashed, the detenu shall be released forthwith unless involved in any other criminal case or detention. With these directions, the petition is disposed of. Rule is made absolute accordingly.

Direct service is permitted.

[AKIL KURESHI, J.]

(vjn)